

No. 20-35222

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JOSEPH A. KENNEDY,
Plaintiff – Appellant,

v.

BREMERTON SCHOOL DISTRICT,
Defendant – Appellee.

On Appeal from the United States District Court for the Western District of
Washington, Tacoma Division, No. 3:16-CV-05694-RBL

**PLAINTIFF-APPELLANT’S UNOPPOSED MOTION TO TRANSFER
CONSIDERATION OF ATTORNEYS’ FEES ON APPEAL TO THE
DISTRICT COURT**

PAUL D. CLEMENT
ERIN E. MURPHY
CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900
paul.clement@clementmurphy.com

Counsel for Plaintiff-Appellant

August 18, 2022

UNOPPOSED MOTION TO TRANSFER CONSIDERATION OF ATTORNEYS' FEES

Pursuant to Ninth Circuit Rule 39-1.8, Plaintiff-Appellant, through his attorneys Clement & Murphy, PLLC, respectfully requests that the Court transfer consideration of attorneys' fees on appeal to the U.S. District Court for the Western District of Washington, the court from which Plaintiff-Appellant took his appeal.

Ninth Circuit Rule 39-1.8 provides that “[a]ny party who is or may be eligible for attorneys fees on appeal to this Court may, within the time permitted in Circuit Rule 39-1.6, file a motion to transfer consideration of attorneys fees on appeal to the district court ... from which the appeal was taken.” On June 27, 2022, the Supreme Court issued its opinion in favor of Plaintiff-Appellant; on July 29, 2022, the Supreme Court issued its judgment; and on August 8, 2022, this Court issued an order vacating the district court’s grant of summary judgment in favor of Defendant-Appellee and remanding this case to the district court for further proceedings consistent with the Supreme Court’s opinion. Accordingly, this motion is timely, and Plaintiff-Appellant respectfully requests the transfer in the interest of judicial economy.

In the alternative, Plaintiff-Appellant respectfully requests that the Court extend the time to file a motion for attorneys' fees and costs incurred on appeal by 30 days from the date of the Court’s order on this motion.

Counsel for Plaintiff-Appellant has conferred with counsel for Defendant-Appellee about the relief requested in this motion, and they have advised that they do not oppose it.

Respectfully submitted this 18th day of August, 2022.

/s/Paul D. Clement
PAUL D. CLEMENT
ERIN E. MURPHY
CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900
paul.clement@clementmurphy.com

Counsel for Plaintiff-Appellant

**CERTIFICATE OF COMPLIANCE
WITH TYPE-VOLUME LIMITATION**

I hereby certify that:

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 249 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the typestyle requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point font.

August 18, 2022

/s/Paul D. Clement
Paul D. Clement

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on August 18, 2022. I certify that all participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

/s/Paul D. Clement
Paul D. Clement